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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Pecen, Mark E. et al. EXAMINER:
SERIAL NO.: 10/803,683 GROUP: 2681
FILED: March 18, 2004 CASE NO.: CS24666RL
ENTITLED: Alternative Network Selection for a Communication Device



Motorola, Inc.
Intellectual Property
600 N. U.S. Highway 45
Libertyville, IL 60048

RESPONSE TO
NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patent
Alexandria, VA 22313-1450

Dear Examiner:

Responsive to the Notice of Non-Compliant Amendment, mailed March 1, 2005, transmitted herewith are:

- 1) Replacement drawings sheets 1/7 through 7/7, FIG. 1 through FIG. 7.
- 2) Copy of USPTO Notice of Non-Compliant Amendment

The Commissioner is hereby authorized to charge deposit account no. 50-2117 any fees necessary for entry of this response.

Respectfully submitted,

BY: Hisashi D. Watanabe 03/22/05
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/803,683 | 03/18/2004 | Mark E. Pecen | CS24666RL | 6162 |

20280 7590 03/01/2005
MOTOROLA INC
600 NORTH US HIGHWAY 45
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EXAMINER

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2681 | |

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

NOTICE 01 MR 2005

RESPONSE 01 AP 2005

DOCKETED

MAR 14 2005

MOTL PATENT DEPT

RECEIVED

MAR 14 2005

MOTOROLA INC
LAW DEPARTMENT

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 08/05/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other
- ☒ 3. Amendments to the drawings: See Attachment
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims).
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other:

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION, and since the amendment appears to be a bona fide attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection and is not affected by the non-compliant status of the amendment.

Danall E. Jones
Legal Instruments Examiner (LIE)
(571) 272-1592

Legal Instruments Examiner (LIE)

July 22, 2003 (rev.)

July 22, 2003 (rev.)

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Revised Amendment Practice

- Amendments to Drawings
 - must include Replacement Sheet(s) which will be entered
 - may also include Annotated Marked-up Drawing(s) which is not to be entered as part of the drawings
 - each sheet of replacement or annotated drawings must be labeled in the top margin as “replacement” or “annotated”

July 30, 2003

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Revised Amendment Practice

- Notice of Non-Compliant Amendment
 - To be used for preliminary amendments and non-final amendments
 - On the form:
 - Identify the section of the amendment paper not in compliance (e.g., amds to spec., amds to clms.)
 - Specify the non-compliant item(s) (e.g., no status identifiers, no text for withdrawn claims, etc.)
 - Form completed and legibly signed by LIE with phone number. Team Leader signature no longer required
 - Non-compliant section of the amendment is not entered
 - all other sections are to be entered

July 30, 2003

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